
Condo Smarts

Headline: Changes to Strata Rentals

Topic: Rentals

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Dear Tony: With the changes coming to strata rentals, will the current strata corporations somehow be grandfathered? We currently have 2 enforcement issues on going regarding rentals. If the bylaws are no longer enforceable, how do we deal with the enforcement issues?

Doug W. Victoria

Dear Doug: There are 3 significant changes in the legislation that will affect strata corporations:

1. Electronic general meetings will be permitted without the need for a bylaw
2. The only age restriction that will be enforceable for residents will be 55 and over
3. Rental bylaws that limit, restrict or prohibit rentals will no longer be enforceable.

The amendment permitting electronic meetings is fairly simple and applies to annual and special general meetings. There are a number of challenges that arise in relation to existing bylaws for ballots, voting cards and voting procedures at a general meeting still need to be clarified. A bylaw that addresses those issues is still recommended. Secret ballots will not be mandatory at electronic meetings.

All current age restriction bylaws that are not 55 and over will no longer be enforceable. Strata corporations are still encouraged to review their bylaws that apply to occupancy of 55 and over. There are many variations to age restrictions that include accommodating a spouse or family member who is not 55 or over, and care givers or live in support members that enable residents to remain in their homes. Bylaws that are 19 and over, adult only, 35 and over or 45 and over will no longer be enforceable. Remember age restrictions apply to occupancy not ownership. If a strata corporation

adopts a new bylaw of 55 and over, current residents in the building at the time of passing are exempt from the bylaw. Good time for some legal advice.

Rental bylaws will no longer be enforceable. Whether it is a bylaw that restricts the period of rentals, the number of rentals, or prohibits rentals, there will no longer be any application of rental bylaws. Landlords will still be required to complete and file a Form K with the strata corporation to ensure the tenant is aware of the bylaws and rules. If the landlord fails to comply with this requirement, the strata corporation may deliver the bylaws and the Form K to the tenants. Tenants have the same basic rights and obligations as the landlords and must comply with bylaws and rules. A tenant may still be fined for violations, and the landlord is still ultimately responsible for those penalties and damages of a tenant.

A strata corporation will no longer be required to report on a Form B Information Certificate showing the total number of rentals in a building; however, a strata corporation is still required to maintain a list of names of tenants, owners and landlords, which may be requested by an owner or their agent. Short term accommodation bylaws are not affected by these amendments. Strata corporations are still permitted to adopt bylaws that prohibit short term accommodations and impose a fine of up to \$1,000 per day.

There are no exemptions or grandfathering provisions in these amendments. They will come into effect immediately upon passing and signature of the Lieutenant Governor. Vigilant enforcement of bylaws and rules, and routine communication with owners, occupants, tenants and landlords will become essential to efficiently manage rentals and good relationships with tenants.